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March 7, 2024

Via ECF:

The Honorable Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Aliyeva v. Diamond Braces et al*
Case No. 22-cv-04575

Dear Judge Failla:

This firm represents Plaintiffs in the above-referenced matter. We write (i) to request a pre-motion conference regarding Plaintiff's anticipated motion to enforce, and (ii) to request that the decision on Defendants' motion to dismiss be placed on hold until a decision regarding enforcement has been reached.

As the Court is aware, on March 8, 2023, "Plaintiff's counsel indicate[d] that he no longer intends to file a motion to enforce the class settlement, and instead wishe[d] for leave to file the proposed Second Amended Class and Collective Action Complaint (Dkt. #40, Ex. A) and for the parties to submit a case management plan and proceed to discovery." However, as discovery has not yet proceeded and based on further legal analysis, Plaintiffs now intend to move to enforce the settlement reached at the parties' mediation.

If the Court requires, Plaintiff is prepared to proffer a strong statement of support in anticipation of any pre-motion conference that the Court may schedule and to provide supporting legal basis and documentary submissions, demonstrating the meritorious nature of Plaintiff's anticipated motion.

We thank Your Honor for considering our request.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

Application DENIED. Plaintiffs' anticipated motion to enforce is premature in light of Defendants' pending dispositive motion to dismiss. The Court will issue its decision on that motion in due course. Until that decision, the Court requires no further submissions from the parties, absent exigent circumstances.

The Clerk of Court is directed to terminate the pending motion at docket entry 80.

SO ORDERED.

Dated: March 7, 2024
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE